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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,826

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EXAMINER

WHITAKER, LATRICE CHENELL

ART UNIT

PAPER NUMBER

4159

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,826	<b>Applicant(s)</b> JOURDAIN, LOUIS	
	<b>Examiner</b> LATRICE WHITAKER	<b>Art Unit</b> 4159	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/02/06</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because of the use of the term "comprising". Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

3. Claim 11 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

### ***Claim Rejections - 35 USC § 102***

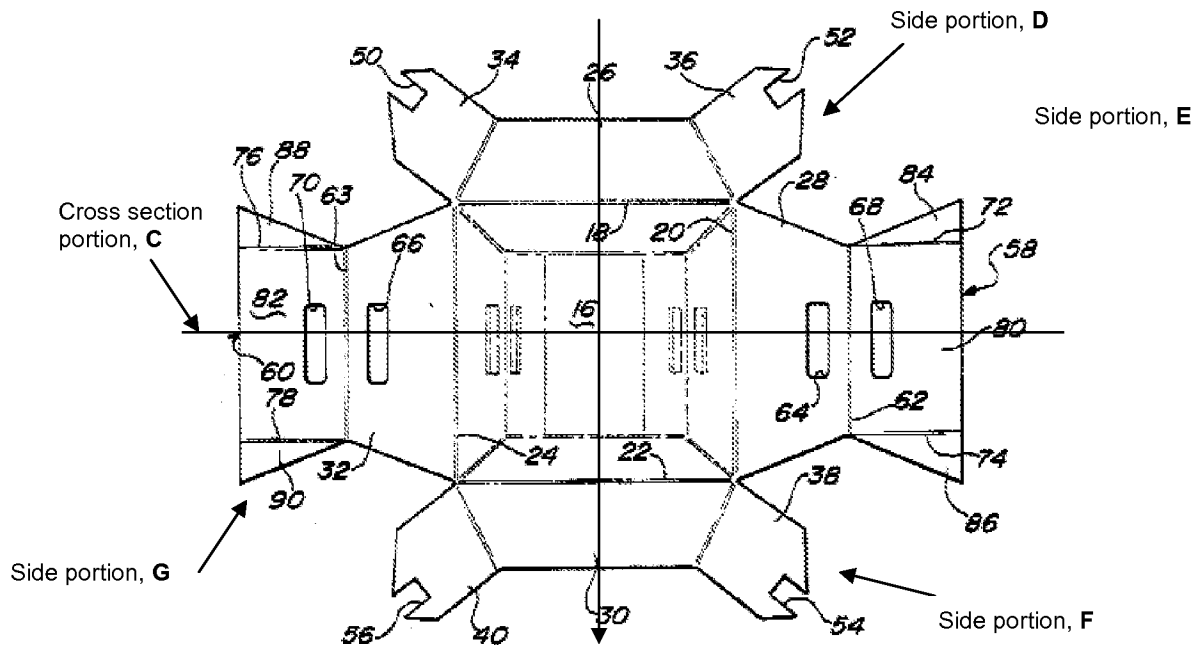
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 4159

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Swink (US Patent 5,673,847).



6. In re claim 1, Swink ('847) discloses a box (10) made of a single sheet of pliable material and having a substantially frustopyramidal shape with an opened top (14) and a closed bottom (16), characterized in that it comprises four exterior walls (26,28,30,32) and four interior walls (50 with 52, 54 with 56, 58,60), wherein said exterior walls are spaced apart from said interior walls in order to create a space between them, and further characterized in that at least one of said exterior walls comprises an opening (64,66).

7. In re claim 2, Swink ('847) discloses a box (10) comprising a slot defined by the space between 50 and 52 as well as 54 and 56.

Art Unit: 4159

8. In re claim 3, Swink ('847) discloses a box as defined in claim 1 wherein said pliable material is paper, cardboard, a thin plastic sheet or a thin metal sheet (column 1, line 55).

9. In re claim 5, Swink ('847) discloses a box (10) as defined in claim 1, wherein said single sheet of pliable material comprises a substantially cross-shaped center portion (**C**) as illustrated by the figure above and four side portions (**D,E,F,G** of the figure above) which flank the center from edges 18, 20, 22 and 24, wherein said cross-shaped center portion comprises a middle section (16) that, once folded, will become the bottom (16) of said box (10), and wherein said four side portions, once folded will become the exterior walls, with at least one of said four side portions including an opening (64,66).

10. In re claim 6, Swink ('847) discloses a box (10) wherein said cross-shaped center portion (**C**) further comprises four pairs of flaps (34, 36, 38, 40), with one pair of flaps being disposed at each corner of said cross-shaped center portion (**C**).

11. In re claim 7, Swink ('847) discloses a box (10) wherein half of said slot (50) is provided in one of said exterior walls (26,30) and the other half (52) continues into the side adjacent to said exterior wall.

### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

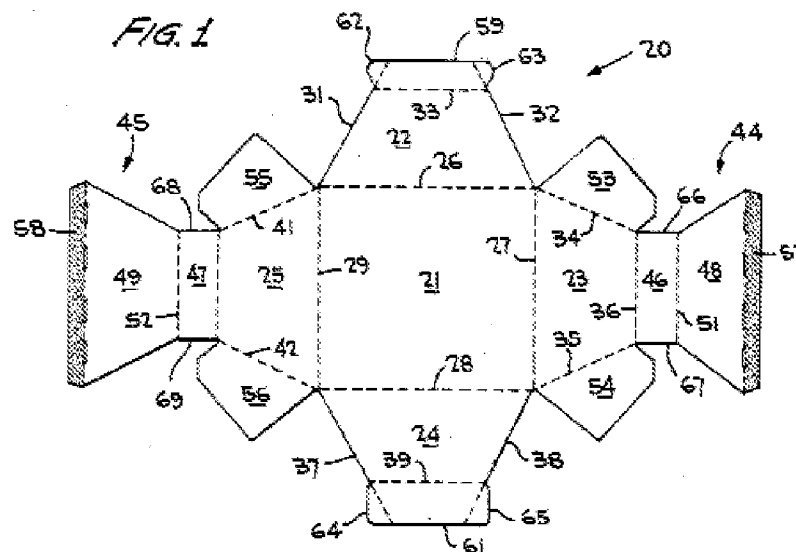
Art Unit: 4159

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swink (US Patent 5,673,847) as applied to claim 1 above, and further in view of Lavery (US Patent 4,354,596).

14. In re claim 4, Swink ('847) discloses the claimed invention except wherein said opening (40) is covered with a transparent or translucent liner. Lavery ('596) teaches a transparent film (16, column 2, line 34). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the opening (40) of Swink ('847) by covering it with the transparent film of Lavery ('596) to display the contents of the box.

15. Claims and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swink (US Patent 5,673,847) as applied to claim 7 above, and further in view of Rosenberg.



16. In re claim 8, Swink ('847) discloses a box (10), wherein said side portion (82) comprises two opposite lateral sections (88, 90). Swink ('847) fails to disclose a flap.

Art Unit: 4159

Rosenburg ('754) teaches a flap (57, 58) disposed of a side portion. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the side portion (82) of Swink ('847) with the flap (57) of Rosenberg ('754) in order to secure the box in an erected state.

17. In re claim 9, Swink ('847) discloses a box (10), wherein said lateral sections (88, 90) are symmetrical with reference to said interior wall (82).

18. In re claim 10, Official Notice is taken that including slots on a box is a conventional or well-known feature or method for interlocking engagements. Therefore, it would have been obvious to a person having ordinary skill in the art to include slots in the lateral sections of the box in order to hold the box in set-up position. Note the interlocking within the carton of Betts et al. (US Patent 2,242,741).

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Betts et al. (US Patent 2,242,741) and Edgeington Jr. et al. (US Patent 3,782,621) both disclose a carton with interlocking engagements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LATRICE WHITAKER whose telephone number is (571)270-5703. The examiner can normally be reached on Mon-Thu 7am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quang Van can be reached on 571-272-4789. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4159

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Latrice Whitaker  
Examiner  
Art Unit 4159

/Quang T Van/  
Primary Examiner, Art Unit 3742  
August 28, 2008